IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 8983 of 2004(T)

AGAINST THE ORDER DATED 1/3/2004 IN IA.514/2004 IN OP.189/2004 of FAMILY COURT,ERNAKULAM

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PETITIONER:

K.K.UNNIKRISHNAN, 29/8A, LANE I,
TOC H ROAD, VYTTILLA, ERNAKULAM.

BY ADV. SRI.G.UNNIIKRISHNON

RESPONDENTS:

DR.T.K.SINDHU, RESEARCH OFFICER,
CENTRE FOR SURVEY AND RESEARCH AND MANAGEMENT SERVICES, VENUS CASTLE 3RD FLOOR, ERNAKULAM.

BY ADV.SMT.SANDHYA RAJU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.8983/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF I.A.514/04 IN OP.289/04 OF FAMILY COURT, ERNAKULAM.

EXT.P2 – TRUE COPY OF OBJECTION FILED IN THE ABOVE I.A., DT.17.2.04.

EXT.P3 – TRUE COPY OF ORDER DT.1.3.04 IN EXT.P1 I.A.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.8983 OF 2004

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DATED THIS THE 25TH JUNE, 2007

J U D G M E N T

The learned counsel for the petitioner seeks time to enquire whether the Writ Petition has become infructuous. The learned counsel for the respondent seeks time to file counter affidavit. I am not inclined to grant either of the prayers.

2. Ext.P3 interim order passed by the Family Court directing custody of the child of the petitioner and the respondent to be given to the respondent, father of the child on the 1st, 3rd and 4th Saturdays of the month from 4 p.m. in the evening till 9 a.m. of the ensuing Monday is under challenge in this Writ Petition. Having gone through Ext.P3, I do not find any warrant at all for interfering with that order. Even though stay was applied for, this Court was not inclined to grant stay. The interim order has operated for more than 3 ½ years now. In all probability the O.P. before the Family Court has been disposed of and the Writ Petition itself has become infructuous. At any rate, since there is no warrant for interfering with Ext.P3, the Writ Petition is disposed of declining relief.

(PIUS C.KURIAKOSE, JUDGE)

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